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CONSIDERATIONS
ON THE
STATE OF IRELAND:

BEING THE SUBSTANCE OF

AN ADDRESS

Delivered before the Statistical and Social Inquiry Society of Ireland, at the opening of its Seventeenth Session, on Wednesday, November 18, 1863.

Second Edition.

With an Appendix, containing a Comparison of the English and Irish Poor Laws with respect to the conditions of relief.

BY

JOHN K. INGRAM, LL.D.

Fellow of Trinity College, and Professor of English Literature in the University of Dublin; one of the Vice-Presidents of the Society.

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THE following Address will be found, printed exactly as it was delivered before the Statistical and Social Inquiry Society of Ireland, in the Journal of that Society, Part XXVI.

The Author has introduced in this Second Edition some changes, for the most part only verbal. He has omitted a brief enumeration of the differences between the English and Irish Poor Laws, replacing it by a precise and detailed statement, in the form of an Appendix.

CONSIDERATIONS ON THE STATE OF IRELAND.

[Being the substance of an Address delivered before the Statistical and Social Inquiry Society of Ireland, Wednesday, November 18th, 1863.]

THE Statistical Society of Dublin commenced its career in that most disastrous period of the recent history of Ireland—the famine year of 1847. It was the pressure of the social problems then imperatively demanding attention, that led its youthful founder to attempt the establishment of such an institution. He thought that by bringing together earnest-minded Irishmen to discuss these problems in a calm and scientific spirit, he should contribute something towards their satisfactory solution. The gravity of the circumstances which attended the birth and early history of our Society, has given to its proceedings throughout its whole existence a peculiarly real and vital character. It has not occupied itself with dilettante statistics, collected with no special purpose, and tending to no definite conclusion. It has from the first applied itself, in the spirit of earnest inquiry, to the most important questions affecting the condition of the country ; and the increasing accession of intelligent Irishmen to its ranks indicates their belief that it has not laboured in vain.

Called by the desire of your Council to address you at the opening of a new session, and thus led to consider more closely the condition of Ireland, I could not but be impressed by the grave character of the crisis. When the task was proposed to me, the country was still labouring under the severest pressure she had experienced since 1847. The gloom has now, indeed, in a great measure dispersed, and we see before us a brightening prospect. But the recollection of those recent trials, and the idea of their possible recurrence, must still deeply affect every thoughtful mind. I have felt that, at such a time, I could not seek to engage your attention with any mere generalities of social science. It has seemed to me that I should best imitate the antecedents of the Society, and best reflect the earnest character of its discussions, if I addressed myself to some of the important questions arising out of the condition of the country. I proceed, therefore, to lay before you a few plain and practical considerations on the present economic circumstances of Ireland, and on some measures which appear necessary to ensure the future well-being of our population.

It is natural that we should first direct our view to the remarkable

spectacle of the emigration which is removing so many of our fellow-countrymen to other lands.

This great movement, though its dimensions cannot fail strongly to impress the imagination, we can yet see to be a perfectly natural consequence of economic laws acting under the new conditions of human societies. If in former times the Irish peasant squatted from year to year on his poor little patch of land, or toiled on for miserable wages in a state of chronic semi-starvation, when in other countries he and his children might have earned, with no greater effort, a comfortable livelihood, it was not because he wished to remain, but because he was unable to go. Often speaking only the Irish language, and without any distinct notion either of the geographical situation, or of the industrial condition of other countries, he was, in the strictest sense of the words, *adscriptus glebæ*. And, even if he had learned English, and was otherwise fitted to take his place in a new social medium, how was he from his scanty resources to pay the expense of the passage, then no inconsiderable amount?

The two agencies which have set him free are the diffusion of knowledge by the National System of Education, and the reduction of the passage money to America and Australia, by the immense recent development of trade and intercourse between different countries. First of all, in the national schools he learned English. The number of Irishmen who could speak only Irish was estimated in 1822 at two millions; in 1861 it was less than 164,000. Here was one obstacle removed—the same that still, as we are told by Sir John McNeill, makes it difficult to apply the obvious remedy to the over population of the island of Skye. The Irish farming and labouring classes became generally better informed and more intelligent; they understood more distinctly the facilities for obtaining land in the United States, and the high rate of wages that prevailed there, and they were better able to avail themselves of those advantages. The old narrowness of view, timidity, and want of enterprise rapidly disappeared, and large numbers of the people desired to try their chances in a new country. While their fitness for emigration was thus increasing and their wish for it becoming strong, the wonderful increase of trade and communication between different nations stimulated the arts of shipbuilding and navigation; and the cost of the passage to America and Australia gradually fell. Then the influence of the natural law—sure in its action as that under which water finds its level—began to be felt; and the Irish labouring classes began to pour in a continuous stream from a country where wages were low, and it was not easy to live, to countries where wages were high and no one need want who was able and willing to work.

The cheapness and abundance of the potato had alone enabled the Irish working classes to exist on the wretched wages which prevailed before 1846. Its failure, therefore, accelerated the emigration which was already in progress. Liberal contributions were sent over from America in the period of the greatest distress, and it is worthy of observation that these contributions came in the form, not of money, but of food. Nothing could more strongly affect the imagination of a starving people than the large supplies of wheat and

Indian corn which then arrived from the United States. They placed in the strongest contrast the abundance of America with the destitution of Ireland, and irresistibly attracted the labourer from a scene of penury to a land of plenty.

Neither the emigration itself nor its remarkable increase is a phenomenon peculiar to Ireland. It appears from the interesting work of M. Duval ("Histoire de l'Emigration"), that almost all the countries of Western Europe have increasingly participated in the movement since the peace of 1815. Thus, for example, the number of emigrants from Germany, in the period between the years 1819 and 1826, did not exceed from 2,000 to 4,000 a-year. In 1851 the number had arisen to 112,547, in 1853 to 162,568, and in 1854 to 251,931. These numbers, indeed, have not been maintained since then. But in 1855 there were 81,698 emigrants, and in 1856, 98,573; and now the average is from 50,000 to 60,000 per annum.

But it is still more important for us to bear in mind that from England and Scotland, as well as Ireland, this movement is in progress. It appears from the report of the English Census Commissioners of 1861 that 640,316 English, and 102,954 Scotch emigrated from the United Kingdom in the ten years between 1851 and 1861, which gives an annual average of more than 74,000 for Great Britain during that period.

The same causes which brought about the emigration to America and the British colonies had still earlier produced a large migration to England and Scotland. About 230,000 went to reside there in the ten years before 1841; from 1841 to 1851, about 400,000; and from 1851 to 1861, about 300,000. The number of persons born in Ireland and residing in England and Scotland was ascertained in the census of 1861 to be upwards of 800,000. If we add to these their children and the living descendants of all who had migrated since 1841, the aggregate will not be less than 2,300,000; and we shall arrive at the remarkable result that notwithstanding the emigration that has been in progress in the interval, the total number of persons of Irish descent in the United Kingdom, in 1861, was as great as it had been twenty years before.

It is plainly impossible to stop either the migration to England and Scotland, or the emigration to America and Australia. With wages in England and Scotland at two shillings a day, and the cost of a deck passage to Liverpool or Glasgow from four to five shillings, the migration will inevitably go on. With wages in New York at four shillings and upwards, and the cost of the passage not more than from five to six guineas, the emigration will inevitably go on.

Nothing can show more plainly how natural and spontaneous the movement is, than the results of the starting of the Atlantic steamers from Galway. The persons who were zealous for the success of that enterprise regarded it as likely to do something towards enriching Ireland, and so improving the condition of the population *at home*. But whenever the vent is opened, the people begin to stream out through it, and the astonished *Times* complains that the most important branch of trade which the establishment of the packet station has developed is the export of Irishmen.

Every one that goes makes it easier for others to follow. The members of a family who are left behind feel the difficulties of emigration to be greatly diminished, when they have relations already settled and thriving in the new country. In joining them, they will more easily find the employment that suits them, and they will sooner feel themselves at home in the new social element. The cheerful letters they receive from those who have preceded them rouse or strengthen the desire to go, and the warm-hearted brother or sister sends home money to assist in paying the passage, or in procuring the humble outfit necessary for the voyage. We are all familiar with the story of the remittances which the Irish emigrants, with a noble and touching self-forgetfulness, have sent to their relations in the old country—remittances which, in the single year 1853, amounted to nearly a million and a-half. These gifts, arriving from time to time, have a double effect: they supply the most convincing evidence of the prosperity of those who have gone before, and they facilitate the movements of those who wish to follow.

And here let me remark that, though I have stated the question as one of wages alone, and though the simple difference of wages would in the end produce the entire effects we observe and are destined yet to observe, there are other considerations which ought not to be left out of sight. Besides the desire of material prosperity, there is also in the hearts of many of our people a spirit of ambition, which at home sometimes rather engenders discontent than stimulates exertion. The aspiring Irishman must observe with interest, that the absence of an aristocracy in America and the British colonies leaves far more open than in our older community the avenues to the highest distinctions of the State. In the great republic Irish blood did not prevent a Jackson from rising to the presidential chair; and men on whom the ban of law had been pronounced at home, in Australia and Canada have been ministers of the crown.

But it may be said, wages are rising, and this rise will put a speedy end to the emigration. This opinion I cannot adopt. So long as the rise does not approach very nearly to equalization with the American rate, I think the effect of it will be rather to stimulate than to slacken the movement. It is true, the temptation will be less; but on the other hand, the facility will be greater. As the earnings of the working classes are larger, the cost of the passage will bear a smaller proportion to the resources of the labourer, and it will therefore be easier for him to accumulate the necessary sum. We cannot expect our harvests to be uniformly good; and when the labourer is better off, as America will be to him more accessible, he will be less patient of any reverse. While wages are actually rising, he will perhaps be disposed to remain; but the first slight turn in the fortunes of the country and the first temporary decline in wages thence arising will set the emigration going more rapidly than now.

Consider, besides, if the terrible struggle now raging in the United States were once at an end, how soon its material effects would be

obliterated ; with what a bound those states would again rush forward on the career of industry ! Look, too, at the magnificent future of industrial progress which is opening before our Canadian and Australian colonies. Is there not every prospect of a continued, nay, an increasing demand for labour ? And where, in the presence of these facts, is the probability of the emigration being speedily stayed ?

One thing alone will stop the migration to England and Scotland—the equalisation of wages here with wages beyond the channel. One thing alone will stop the emigration to America—the equalisation of wages here with wages beyond the Atlantic.

It is something gained towards a rational view of the emigration, to understand that it is quite independent of the volitions of landlords or of governments—a natural effect of natural causes ; and that, therefore, to lament it will be no more effectual than to lament the flowing of the tide. But I say further, that we cannot reasonably regard it with anything but satisfaction. For those who go, it means comparative ease and comfort, as is sufficiently proved by the cheerful letters and the generous remittances of which I have already spoken. For those who remain, it means higher wages and more continuous employment. I think those persons who honestly deplore the emigration do so under the influence of a very common illusion, arising from the softening effect produced by distance in social retrospect as in a physical landscape. While intensely alive to the immediate material inconvenience and moral pain which the emigrants feel in leaving their homes, they forget the far worse miseries which lie but a little way behind us in our national history. They forget the terrible picture of chronic destitution given by the Commissioners of 1834, and repeated, without any alleviation of its gloomy tints, by the Devon Commission of 1845. They forget the 83 per cent. of our rural population who in 1841 were found dwelling in wretched cabins unfit for human habitations.* Nay, surely they forget the awful crisis of the famine itself, when they cannot estimate the consequences which our three late disastrous seasons would have produced had the emigration since 1847 not taken place.

It is well ascertained that wages in Ireland have considerably risen. From a paper by Mr. Frederick Purdy, Principal of the Statistical Department of the Poor Law Board in England, communicated to the Statistical Society of London in April, 1862, it appears that the advance in the wages of men for the whole of Ireland between 1843-4, and 1860, was equal to more than 57 per cent.—the highest rise, amounting to 87 per cent. having taken place in the province of Connaught, where at the earlier date the rate had been lowest. It seems highly probable that official figures do not exhibit the full amount of the rise in wages, for they are necessarily taken somewhat mechanically by the method of numerical average. But

* Viz. 43·5 per cent. “living in the lowest state, being possessed of accommodation equivalent to the cabin, consisting but of a single room ;” and an additional 40 per cent. “but little removed in comfort.” The houses of both classes were generally “built of mud.”—*Report of Irish Census Commissioners for 1841.*

experienced and sagacious persons in country districts tell us that the time once was when the very best labour could in many localities be obtained at from 6d. to 8d. a-day ; that since then great numbers of the stalwart and active young men have left the country ; that the work is done by older and comparatively feeble hands ; and that the class now earning a shilling a-day really represents those who used to obtain little or no employment. The advance in wages will probably go on with accelerated rapidity, as the present old generation of labourers dies out in process of time.

Whilst I must dissent from those who deplore the emigration as a national calamity, I am equally unable to agree with some who imagine that if it proceed as it is doing, it will be sufficient, of itself, and without any change in our social institutions, to secure the future prosperity of Ireland. The persons who hold this language seem to me to overlook certain other very important effects of the same causes which have brought about the emigration.

The extraordinary increase of communication between different parts of the world, which has made so large an emigration possible, is leading to the further result of a far more intense competition between the agricultural products of different countries. The corn and flax that are grown in our fields must compete with imported produce ; the stock that is reared on our farms, with the cattle of continental Europe and the provision stores of America. In the first six months of 1862, the number of sheep and lambs imported from abroad into the United Kingdom was 49,332 ; in the corresponding period of 1863, it was 110,636 ; being an increase of more than 100 per cent. Again, of oxen, bulls, and cows the number imported from abroad was in the first six months of 1862, 11,462 ; whilst in those of 1863, it was 24,108 ; showing a similar increase. In bacon and hams the increase was from 821,960 cwt. in 1862, to 1,308,199 in 1863.* One of the most interesting incidents of the late meeting of the Social Science Association in Edinburgh was the working men's supper, at which Montevideo beef was for the first time introduced to the notice of the public, and since then both at Limerick and in our own city attention has been called to this article of food. Great numbers of the cattle of Uruguay have been hitherto slaughtered merely for their hoofs, horns, and hides, the flesh going absolutely to waste ; for the future the meat, slightly salted and dried, is to be sent to the United Kingdom, and can be sold in the English market for 3d. or 3½d. per pound. In wool, flax, butter, and every other article

* From later returns it appears that in the nine months ending 30th September, 1862, there were imported of

Sheep and lambs	...	...	158,669 ;
Oxen, bulls, and cows	...	...	34,803 ;
Bacon and hams	...	cwt.	1,141,171 :
whilst, in the corresponding months of 1863, there were imported—			
Sheep and lambs	...	...	268,790 ;
Oxen, bulls, and cows	...	...	58,297 ;
Bacon and hams	...	cwt.	1,671,938.

of agricultural produce, a far keener and more extended competition may for the future be looked for, than has hitherto existed. Hence arises the following difficulty for the farming and landed interests : There is a rising rate of wages in Ireland, which increases the cost of production of home commodities ; concurrently with this, there is an intense and growing competition on the part of foreign producers, which will more and more have the effect of limiting the rise of prices. How are the agricultural classes to meet the grave crisis arising out of these new economic conditions ?

What resources they have, we shall best discover by considering, successively, the three instruments of production. First, as to labour : the rise of wages is sure to improve its application and promote its economy ; the utmost that can be made of it will be made ; and it will, when possible, be assisted by the use of machinery. Secondly, as to capital : it has sometimes been supposed that the farmers of Ireland do not possess the capital necessary to be expended on the proper improvement of their holdings. But this notion is completely dispelled by the statistics of the deposits in the Irish joint-stock banks. It is not disputed that the greater part of the sum thus deposited is the property of the farming classes. Now the aggregate of the deposits amounted at the close of the year 1859 to upwards of sixteen millions sterling. It has, of course, since declined, and is now probably less than fourteen millions. But the country, under the influence of one bountiful harvest, is beginning to recover from the effects of three bad seasons ; and the amount of the deposits will, no doubt, ere long increase to its former level. This money is lent to the banks at an average of 2 per cent. to be employed either in our large towns or in England ; and is available to assist the improved system of Irish production, which the growing competition will imperatively demand.

Coming now to the third instrument of production, the land, it is essential to consider whether the conditions under which the capital and labour of the country can be applied to it are in a satisfactory state. Now, some of the leading members of our Society have, ever since its foundation, devoted special study to this question, and it is plainly the result of their researches, that notwithstanding the important changes which have been made in the laws relating to land, they do not yet fulfil the requirements of economic science.

The purpose of my present argument is to show that the emigration has not, as some persons imagine, put an end to the land question ; but that, on the contrary, the very same causes which have led to the emigration will force it on public attention with redoubled urgency. Recollect the circumstances under which the industry of the country will go on : intense competition, limiting a rise in prices, and an increasing rate of wages, steadily raising the cost of production. The burden of loss cannot now, as under the reign of monopoly, be transferred to the shoulders of the consumer. If agriculture be unsuccessful, the farmer himself will first suffer, and next the landlord. But the depression will not be confined to them ; it will ultimately be shared by all classes of the community, bound up

as their interests are with those of the farmer in a country like ours, almost entirely depending on agriculture.

All past experience proves that the climate of Ireland is in a high degree variable; we have had one good season, but who can tell how many unfavorable ones are destined to recur? Abundant harvests may temporarily palliate the effects of the causes I have described; but the next turn of the seasons will bring out the latent forces, and will press upon the agricultural classes with an intensity of which, up to the present, we have had no experience.

The prospects of Ireland must in the main depend upon the success of her agricultural industry; and for this, an adaptation of the laws affecting land to the new economic conditions of production is absolutely necessary. Giving up tillage will not meet the difficulty; for the competition affects the provision trade as well as the immediate products of the soil; and English cattle farmers have discovered that herds and flocks cannot take care of themselves, but that for their proper tending and feeding a large amount of human labour is necessary. In order that the Irish farmer may be able to sustain himself amidst the increasing competition, all that social arrangements can do to aid him must be done. As any nation that wishes to maintain its position must provide against the possibility of warfare by possessing the most improved military weapons—the Minie rifle and the Armstrong gun; as, in the competition of manufacturing industry, the country that does not wish to lag behind its fellows must adopt without delay all the latest improvements in machinery: so it will not do for Ireland, in the race of agricultural competition, to be impeded by any imperfections in the security of capital employed in agricultural improvement. The question is not now whether a particular arrangement is tolerable or not, but whether, for the future, successful competition will be possible, with all the disadvantages of Irish climate, with any but the *best* arrangements that social science can devise for the application of capital to agriculture. It is vain to assert that the land question is settled; the most thoughtful men in the country, and those who have most deeply studied its economic condition insist, and are able to prove, that it is *not* settled; men, I will add, whose conclusions on other questions relating to Ireland the public opinion of the empire has decisively approved.

But, it may be asked, why should this question be peculiarly Irish? Must not the economic conditions, already adverted to, affect the other portions of the United Kingdom? Undoubtedly, I reply, they are coming into operation there as well as here. The influx of the English agricultural labourers into the large towns, is a phenomenon quite similar to the Irish migration to England and Scotland. There is, besides, a large emigration going on from the rural districts of Great Britain. The rapid introduction of agricultural machinery is an index of the rise of wages, and the consequent growing necessity of economising labour. On the other hand, as we have seen, the force of foreign competition is beginning to be felt—foreign products are flowing steadily into the markets, and prices are effectually prevented from following the rise of wages. The

action of these causes has been hitherto in a great degree obscured by the abundance of other resources which are wanting in Ireland, by the great mineral wealth of the country, and by the continual demand for land for the purposes of manufacturing enterprise. But various indications lead us to believe that before long the economic crisis common, though in different degrees, to the two countries, will bring up the land question there, as well as here, with irresistible urgency.

The local customs favouring agriculture, and the good understanding between landlord and tenant, which sufficed heretofore, are not considered to afford a sufficient security under the new circumstances of production. In the esteemed treatise on Modern Agricultural Improvements, published as an appendix to the "British Husbandry" of the Society for the Diffusion of Useful Knowledge, you will find forcible expression of the growing opinion of English farmers, that a more positive and better defined security is necessary for their success. The same feeling is strongly exhibited in letters which have quite recently appeared in the *Times*. Within the last few days, a Practical Farmer, writing in that journal, says: "The question of a tenant's security for the outlay of his capital on his landlord's property, is second in importance to none; landlord and tenant are alike interested in its settlement on just terms; and on it hinges all future improvement of the soil of England. * * * The greatest portion of England always will be farmed by tenants; to farm badly at present prices is ruinous; to farm well, which the spirit of the times demands, is to run a risk. It is running a risk to trust to any man's honour not to turn you out, because the owner of the land may die, and another Pharoah may reign who knew not Joseph. To run a risk is not only foolish; but, where a man is risking the money on which his family are dependent, it is wrong." When such words as these appear in the English journals, it is plain enough that propositions like those already brought forward by Mr. Pusey, will make their appearance again, and will not be disposed of so easily as before. The land question ought to be settled in Ireland first, because it is more pressing in a country almost entirely agricultural; but, in any case, it cannot be long postponed; for England also is feeling the necessity of improved arrangements, and the requirements of both countries will have to be met by comprehensive and impartial legislation.

Many Irish proprietors, desirous of assimilating the agricultural economy of Ireland to that of England, have endeavoured to effect a consolidation of the smaller holdings. A tendency in that direction is, indeed, the inevitable result of the social circumstances to which I have been calling your attention, namely, the diminution of our population and the rise of wages. Great difficulty, however, has been experienced in effecting the transition, and this difficulty is commonly attributed to the perverse character of the Irish people. "Why," it is asked, "do these small farmers cling with such desperate tenacity to the holdings they cannot properly cultivate, instead of peaceably resigning them, and becoming farm labourers like the corresponding class in England?"

Now, in these attempts to conform the Irish system of land management to the English model, one essential circumstance has been generally overlooked, namely, the intimate connexion between the land system of England and the English Poor-law.

The English labourer is contented with his situation, not only because his wages are good, and his employment in general constant, but because he has reason to expect that if he should be overtaken by calamity, he will be liberally assisted until the crisis has past away ; that his home will not be broken up, and his aged parents, his wife and his children forced to enter the workhouse, but that he and those who depend on him will be relieved at his own dwelling. This is the course which humanity recommends as due to those who suffer from causes which are beyond their own control, and against which they cannot be expected adequately to provide. It is peculiarly difficult for agricultural labourers to make provision against industrial crises or private calamity. From their dispersion over the country they find it impossible to set on foot and maintain the provident societies and other organisations for mutual assistance, which are more easily established where labour is concentrated. Common sense dictates that, if temporary relief is to be given, it should be given in such a way as to be most effectual for its purpose, and to disturb as little as possible the domestic life of the labourer. And this is precisely what is effected by the outdoor relief, which protects the English working classes in seasons of emergency from the bitterest consequences of distress, and tranquillises their minds at all times by the guarantees it affords them against the inevitable vicissitudes of their condition.*

Now observe the difference between this state of things and that which exists in Ireland. In this country it is contrary to law to give outdoor relief to any able-bodied man, unless the workhouse be full, or severe infectious disease prevail in it. And the Guardians of the poor and the Central Board are deprived by statute of the power of relaxing the prohibition, no matter what may be the hardship of any individual case or class of cases.

Whilst this difference in the law of the two countries continues to exist, the English system of land management cannot be introduced into Ireland without producing grave discontent, and provoking determined resistance. The small farmer has clung to his little holding, because when employment is not continuous, he is not safe against the workhouse without the possession of a patch of land. He cannot be induced peaceably to let go his hold of it, and trust himself to the life of a labourer, unless, when he has thus altered

* On the 1st of January, 1863, there were relieved in England and Wales, 1,142,000, or 5·7 per cent of the population. In Ireland, on the same day, there were relieved 66,000, or 1·1 per cent. of the population. The amount of relief given in England was therefore relatively more than 5 times greater than that given in Ireland. Next, as to the mode of administration—of the 1,142,000 persons relieved in England on the day above mentioned, 87 per cent. received that relief out of the workhouse, and 13 per cent. within it. Of the 66,000 persons relieved in Ireland, 9 per cent. were relieved out of the workhouse, and 91 per cent. within. It is surely no wonder that M. de Beaumont is amazed at the contrast between the two countries represented by such numbers.

his condition; he be protected against what is to him the worst result of temporary distress. Even when wages are higher, and work more regular than now, he will require to be secured against bad seasons and the consequent fluctuations of employment, whether general or local. If the Irish labourer be placed in the same position as the Englishman, with respect to public relief, our peasant farmers and cottiers will, with far less difficulty, be induced to resign the holdings which they cannot cultivate properly; and the inevitable process of consolidation will go on with less detriment to the interests of the poor, and less danger to the peace of the community. If the difference in the law be maintained, then, I say, either the notion of introducing the English system of land management will have to be abandoned, and another, perhaps more conformable to the Continental model, will have to be introduced in its stead; or, should the effort to multiply the large farms be continued, it will produce general popular discontent and social disorganisation.

One of the greatest evils of Ireland is the disaffection to the government which undeniably exists, and it is our duty to do every thing in our power to correct this state of feeling, by removing all just causes of complaint. Now I have no wish to depreciate the value to the lower classes of what are properly called political reforms; in their direct, and still more in their remote results, they often powerfully affect the interests of the poor. But this at least cannot be denied, that questions of a strictly *social* kind affect them far more nearly, and come more home to their business and their bosoms. And I cannot imagine anything possessing more real and vital interest for a labouring man than the answer to the questions, What is to befall him in case of temporary pressure from sickness in his family, or from want of work? What is to be the lot of his widow in the event of his untimely death? What will be the condition of his orphans; what will be their prospects of material subsistence, and to what moral and religious influences will their young minds be exposed, when deprived at once of the means of support and of a father's control and guardianship?

What, then, must be the feelings of the Irish working man, when he ascertains that in relation to every one of these questions, the law deals much more liberally with the English labourer than with himself? Those of my hearers who have followed the discussions of this Society do not need to be informed that such is in fact the case. In the treatment of the able-bodied, of widows, of children, there are broad and substantial differences between the English and Irish systems of poor-relief; and these are, almost without exception, to the disadvantage of the Irish. In the face of these facts, it cannot be pretended that the Irish and English poor live under the same laws; and it is the height of absurdity to expect from the former the same loyal attachment to the government which may reasonably be expected from the latter.

Some, indeed, may suppose that the Irish peasant is ignorant of the differences to which I have referred. But such a notion, would, I believe, be entirely mistaken. There is, as I showed you before, a great and growing intercourse between the several parts of the

United Kingdom. Few poor Irish families are without relatives and friends settled in England. Many of our people spend part of their lives in one country, and part in the other. An army of Irish labourers goes over annually to assist in the work of the harvest. They cannot be unaware of circumstances open to observation, and deeply affecting the condition of the poor; and they must be struck by the inferiority of their own position at home to that of the English labourer. They naturally ascribe this difference to the government; they are confirmed in the belief that the law is their enemy, and they are thus made an easier prey to unprincipled agitators.

I say, then, that the Irish and English Poor-law ought to be perfectly assimilated. Some years ago this proposition could scarcely have been made with any prospect of success. There was then a general, and I will admit, a not unreasonable timidity about adopting the system of outdoor relief. After the terrible experience of the period which immediately followed the famine, it was natural that the effort should be to make the provisions of the Poor-law as stringent as possible. But there has been since then an entire change in the conditions of the case. The emigration has greatly reduced the population, the poor rates have fallen to a very low amount, wages are rising, and the time seems to have arrived when the law in this country should be made identical with that of England. The legislature will then be free from responsibility in the matter, and it will remain for the Guardians in each district to administer, under the same regulations as in England, their own rates according to their own discretion.

The conclusion at which I arrive is, that two measures are now essential to the well-being of the country: first, a thorough adjustment of the laws relating to land, to the new conditions of production and competition, so as to afford perfect security for capital employed in agriculture; and secondly, a complete assimilation of the Poor-laws in the several parts of the United Kingdom. When it appears that any necessary improvements require the action of the legislature, some persons are apt to abandon all hope of their being effected; especially if the proposed measures are thought, however erroneously, to conflict with the interests of powerful classes. And this despair of legislative progress is likely to produce one or other of two disastrous effects—either social inertia or political discontent. Looking, however, at the history of the country during the last forty years, I do not find that such hopelessness is in the slightest degree justified by fact.

The modern policy in the government of Ireland dates from the administration of the Marquess Wellesley, with Sir Robert Peel for Home Secretary. The first fruits of the new order of things then introduced were, the Commission of Inquiry into the state of education in 1824, which brought to light the large Irish-speaking element to which I alluded at the outset, and the celebrated committees of the Lords and Commons on the state of Ireland, in 1825. Close upon these inquiries followed practical reforms which have been continued in unbroken succession down to the present time. The political disabilities of Protestant Dis-

senters were first removed ; next came the Emancipation of the Roman Catholics. Ample provision was made for the education of the poor. The police system was brought into full operation. The smaller towns were enabled to govern themselves. Ireland participated in Parliamentary Reform. The administration of justice was improved by the appointment of stipendiary magistrates, and by the reform of the constitution of juries. The fiscal powers of grand juries were regulated. Legal provision was made for the relief of destitution. The municipal corporations were placed on a broad and liberal basis. And finally, the improvement of the laws relating to land was decisively commenced, by the institution of the Landed Estates Court. These are only the principal elements in a series of measures which, taken in the aggregate, make up the largest peaceful revolution in the history of the world.

Such a review of what has been done in our own time, and almost within our own memory, is well fitted to remove all despondency respecting the future course of legislation. That such great and extensive reforms have been effected within so short a period by the mere force of peaceful inquiry and discussion unanswerably proves that the governing classes of the empire are perfectly accessible to evidence and argument. In the constitution under which we live, to carry any measure essential to the general welfare—whatever special interests may be arrayed against it—it is only necessary to appeal, by well established facts and sound reasoning, to the intelligence and equity of our statesmen. The members of this Society do not, as such, seek to intrude into the province of the politician. Our business is to discover and demonstrate, by the application of scientific principles, the legislative action appropriate to each phase of society and each group of economic conditions. At what precise time, and in what particular form, our conclusions shall be adopted in practice, is a question of political expediency, which those who are acquainted with the varying exigencies of public life can determine better than we. But it is encouraging to know that in endeavouring, by our researches and discussions, to overthrow error and to establish truth, we are labouring at no unpractical—no hopeless—task ; that any wise suggestion developed here may one day become a beneficent reality, a living agency for good ; and that thus, without sitting in the councils of the State, or mingling in the strife of parties, we may, each of us, do something towards the improvement of the institutions of our country.

APPENDIX.

A Comparison between the English and Irish Poor Laws with respect to the Conditions of Relief.

[Read before the Statistical and Social Inquiry Society of Ireland, Wednesday, 10th February, 1864.]

IN the address which I had the honor of delivering before the Society at the opening of the present session I pointed out certain differences as existing between the English and Irish Poor Laws. I expressed the opinion that these differences, being to the disadvantage of the Irish poor, were such as would naturally create or foster discontent in this country. I contended that the restraints on relief arising from the provisions of the Irish Poor Law tended to impede the inevitable transformation of the lowest class of farmers into labourers for wages, and to aggravate the inconveniences inseparable from such a transition. And for these reasons I urged the propriety of assimilating the laws relating to Poor Relief in the several parts of the United Kingdom.

It was natural to expect some diversity of opinion on such a subject, and I read with interest and respect whatever was written in a rational and candid tone on the other side of the question. But I soon found myself placed in a somewhat embarrassing position by the nature of the replies which I received from different quarters. For, whilst some persons, claiming for themselves an intimate acquaintance with the subject, congratulated Ireland on having a sounder and safer law than England, others, professing to be equally well informed, asserted that no assimilation was necessary, the law in the two countries being already in fact the same. The conversations and correspondence I have since had with various persons have satisfied me that there exists very general misapprehension, or at least vagueness and uncertainty, on the question of the identity or difference of the two laws.

Now this question is considered by many of our fellow-countrymen as one of great importance, and it is likely to occupy a good deal of attention for some years to come. It is therefore highly desirable that there should be no mistake or mystification about the exact truth of the case.

One of the most useful functions of such a Society as this is that of keeping the public mind right about facts ; supplying the basis of statistics on which the reasonings of the practical Economist and Law Reformer ought to rest. Nor has the Society neglected its duty in relation to the question before us. Several of its members have pointed out, in papers read before you, particular differences between the English and Irish Poor Law ; and these papers were my chief authorities for the statements made in my address. But as they regarded the subject from some special point of view, they did not

enter on a general comparison of the conditions of relief prescribed by the two laws. No accurate, and at the same time complete, comparison of this kind has yet, so far as I am aware, been brought before either this Society or the Irish Public. Such an account of the matter it is my present object to supply. In preparing it I have relied only on original authorities—acts of Parliament, evidence before Parliamentary committees, documents issued by the Poor Law Board, Hansard's Parliamentary Debates, and the like. I have found the subject a complex and difficult one, and the facts are in some respects different from what I had anticipated.

You will observe that I do not propose in this paper to examine the question, on which so much may be said, of the policy of a more liberal outdoor relief in the present condition of Ireland. My object is simply to state, as correctly as I can, the actual facts—the provisions respecting Poor Relief now subsisting in England and Ireland—and to exhibit the differences of the powers vested in the English and Irish authorities, without discussing how far it would be expedient that any such powers should be exercised. I shall quote throughout, as far as possible, the exact words of the several documents to which I appeal, and I shall furnish such references to the sources of my information as will enable any one who wishes to verify every statement I make.

When we speak of the English Poor Law, we must clearly distinguish between the statute law on the subject and the law as it is fixed by the rules and orders of the Poor Law Board. The Amendment Act of 1834, (4 & 5 William IV., c. 76) created for the first time a central authority for the general control of the entire management of the poor throughout England and Wales. Beyond condemning the then prevalent abuse of the payment of wages in part out of the poor rates, the Act scarcely at all interfered with the administration of relief. But it gave to the Central Board very extensive powers; and they were authorized and required to make and issue all such rules, orders, and regulations for the management of the poor and the direction of matters connected therewith, as they should think proper. In particular, it was provided in the Act above mentioned, that “from and after the passing of this Act it shall be lawful for the said Board, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or Union may be administered out of the workhouse of such parish or Union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons, or class of persons, at what times and places, on what conditions, and in what manner such outdoor relief may be afforded.” The orders of the Board framed in the exercise of these powers can be issued to such Unions as they may think proper, and can be suspended, altered, or revoked at their discretion.

What, then, is the nature of the English Law, with respect to the conditions of relief, as laid down by the Orders of the Poor Law Board? I answer, there are in force two totally different codes for different parts of England. One part of the country is governed by

what is sometimes called the Prohibitory Order, dated the 21st of December, 1844. The rest of the country is governed by what is called the Out-relief Regulation Order, dated the 14th of December, 1852.

Let me explain first the latter of these two, the Order of 1852. Its essential provisions are contained in the articles which I am about to quote :—

“Art. 1. Whenever the guardians allow relief to any ablebodied male person out of the workhouse, one-half at least of the relief so allowed shall be given in articles of food and fuel, or in other articles of absolute necessity.

“Art. 2. In any case in which the guardians allow relief for a longer period than one week to an indigent poor person resident within their union or parish respectively, without requiring that such person shall be received into the workhouse, such relief shall be given or administered weekly, or at such more frequent periods as they may deem expedient.

“Art. 5. No relief shall be given to any ablebodied male person while he is employed for wages or other hire or remuneration by any person.

“Art. 6. Every ablebodied male person, if relieved out of the workhouse, shall be set to work by the guardians, and be kept employed under their direction and superintendence so long as he continues to receive relief.

“Art. 7. Provided that the regulations in Arts. 5 and 6 shall not be imperative in the following cases.

“1st. The case of a person receiving relief on account of sudden and urgent necessity.

“2nd. The case of a person receiving relief on account of any sickness, accident, or bodily or mental infirmity affecting such person or any of his family.

“3rd. The case of a person receiving relief for the purpose of defraying the expenses of the burial of any of his family.

“4th. The case of the wife, child, or children, of a person confined in any gaol or place of safe custody.

“5th. The case of the wife, child, or children resident within the parish or union, of a person not residing therein.”

The regulations which I have read, whilst they provide sufficient securities against fraud or abuse, are eminently liberal and considerate towards the poor. But even these are not absolutely imperative in cases where it appears to the guardians inexpedient to enforce them. It is provided by Art. 10, that “If the guardians shall, upon consideration of the special circumstances of any particular case, deem it expedient to depart from any of the regulations hereinbefore contained, and within twenty-one days after such departure shall report the same and the grounds thereof to the Poor Law Board, the relief which may have been so given in such case by such guardians before an answer to such report shall have been returned by the said Board shall not be deemed to be contrary to the provisions of this Order ; and if the Poor Law Board shall approve of such departure, and shall notify such approval to the guardians, all relief given in

such case after such notification, so far as the same shall be in accordance with the terms and conditions of such approval, shall be lawful, anything to the contrary in this order notwithstanding."

By this Order, you will observe, the granting of out-door relief in any case whatever is left at the discretion of the Board of Guardians; and is only fenced round with such regulations as to manner, time, and other circumstances, as are necessary to prevent fraud on the part of those relieved, or abuse on the part of the local authorities.

Let us next inquire—to what proportion of the population of England and Wales does this Order of 1852 apply? I have copied from the report of the English Poor Law Board for 1853 a list of the unions and separate parishes to which the Order was issued, and I have annexed to the name of each union and parish its population as stated in the Census Report of 1861.*

To these I have added certain other parishes, most of which are under Local Acts, and to none of which, as the well-known Poor Law Inspector Mr. Farnall informs us, the Prohibitory Order (to be hereafter explained), has ever been issued.*

The result thus arrived at is that the Order of 1852 represents the Poor Relief Legislation which is in force among more than seven millions of the inhabitants of England and Wales, or about 35 per cent. of the population. The localities to which it applies are for the most part metropolitan, or manufacturing, or maritime districts, including (besides London), Liverpool, Manchester, Leeds, Sheffield, Newcastle-upon-Tyne, Southampton, Sunderland, Coventry, and Nottingham.

Bearing in mind the liberal character of the law by which these seven millions are governed, you will be able to understand the force of some statements, which, when they appeared in the public journals, attracted a good deal of attention.

Mr. Farnall, whose name has become familiar to us in connexion with the relief of the distress in Lancashire arising from the cotton famine, was examined before the Select Committee of the House of Commons on Poor Relief which sate in 1861. To the question whether the relief given in the metropolitan districts was limited by the Poor Law Board, he replies:—

"Not in any way, either in-doors or out-of-doors; the guardians have full power and authority to give any amount of relief they please, either in-doors or out-of-doors: the only check, as it were, upon relief is, that if relief is granted out-of-doors to an able-bodied man, it shall be partly in money and partly in kind, but the amount is not limited at all." And he adds:—

"That is the direction of an Order of the Poor Law Board." And again, when asked to explain the Out Relief Regulation Order (the same to which I have been calling your attention), he replies:—

"3054. It is this, that if the guardians give out-door relief to an able-bodied man (*it does not include the women at all*), they shall set him to work in return for the relief which he gets; and then there are a great number of exceptions. If he has a child ill, or if his wife is

* See note, p. 34.

ill, or if there is anything the matter, then he is taken out of the class of able-bodied men. I have the order before me, and there are a great many exceptions; in fact, the only person that the guardians by this order are obliged to set to work is a man who is really and positively able-bodied, and in every respect able to work, and whose family are also perfectly well."

It is under the provisions of this order of 1852 that liberal poor law relief has been extended to the suffering operatives of the cotton districts, during the crisis arising out of the American civil war. Some persons seem to suppose that there was some change or relaxation of the previously existing law in order to meet the crisis; but such a notion is quite erroneous. The characteristic elasticity of the Order of 1852 enabled it to satisfy all the demands of this great emergency.

A remarkable statement in relation to this subject was made by Mr. Villiers, President of the Poor Law Board, to a deputation from Lancashire, and afterwards repeated by him in substance in the House of Commons (May 9th, 1862). I extract a portion of it from *Hansard*, vol. clxvi. p. 1500:—

"He was happy [he said] to receive from all those unions replies which indicated a very great confidence in themselves, and a knowledge and experience of the working of the system of public aid in this country, which relieved him very much from some apprehensions he had previously felt that they would be taken by surprise, and that their means would prove inadequate to cope with the emergency. There was throughout these answers an expression of satisfaction with the present state of things, and, with very few exceptions, there was in all of them the expression of the conviction that, come what might, they would be able to meet the emergency by the ordinary resources which they possessed." "From one statement [he proceeds] made by the deputation, it appeared that the people of Lancashire were under great uncertainty and doubt as to what the powers of the local poor law authorities were. There appeared to be some apprehension that these authorities were fettered, more or less, by some stringent rules of the Poor Law Board in London. He was surprised that any such doubt should have prevailed, but he was glad to have the opportunity of removing any misapprehension that existed upon the subject." "There was nothing so stern or so stringent in any order issued by the Poor Law Board which might not be relaxed, and might not be adapted to circumstances. The whole system was elastic, and capable of being adapted to extraordinary circumstances. In the time of the hon. member for Lincolnshire, some ten or twelve years ago, an order was issued for the guidance of the authorities with respect to relieving able-bodied persons. [He refers to the Order of 1852]. The Order required that when relief was given, such able-bodied persons should give work in return; but in that Order exceptions were specified, and instructions conveyed to the authorities, that if they thought it desirable under certain circumstances to give relief without exacting labour, they should do so for a period of twenty-one days, and communicate to the Central Board the special circum-

stances under which they thought it expedient to deviate from the order. It was not a stringent rule, but one which was adapted to every degree of distress." With respect to the question, Whether there was any stringent rule that required people to sell up house and furniture before receiving relief, he says :—" With respect to selling their furniture and household goods, it had been the law for nearly three centuries that those who asked for relief should possess no property, and no doubt provisions in acts of parliament to that effect were to be found ; but no practical operation was given to those provisions, and in no instance were the people required to make such great sacrifices before they received relief."

You will have observed that the statements respecting the law here made by Mr. Villiers are very general ; they are not limited to any district, but are expressed as if they applied to the entire country. This has probably caused a good deal of misapprehension on the subject. I myself, I confess, was at first led by these statements to suppose that the whole of England was governed by the Order of 1852. But this is not so. Whilst, as we have seen, 7,000,000 of the population are subject to this order, the remaining 13,000,000 are governed by the Prohibitory Order of 1844.

By this Order (Art. 1.) it is directed that "every able-bodied person, male or female, requiring relief from any parish within any of the said Unions, shall be relieved wholly in the workhouse of the Union, together with such of the family of every such able-bodied person as may be resident with him or her and may not be in employment, and together with the wife of every such able-bodied male person, if he be a married man, and if she be resident with him, save and except in the following cases :—" [To the eight exceptions which follow I request your particular attention :]

"1st. Where such person shall require relief on account of sudden and urgent necessity.

"2nd. Where such person shall require relief on account of any sickness, accident, or bodily or mental infirmity affecting such person, *or any of his or her family.*

"3rd. Where such person shall require relief for the purpose of defraying the expenses, either wholly or in part, of the burial of any of his or her family ;

"4th. Where such person, being a widow, shall be in the first six months of her widowhood ;

"5th. Where such person shall be a widow, and having a legitimate child or legitimate children dependent upon her, and incapable of earning his, her, or their livelihood, and have no illegitimate child born after the commencement of her widowhood ;

"6th. Where such person shall be confined in any gaol or place of safe custody. . . . ;

"7th. Where such person shall be the wife or child of any able-bodied man who shall be in the service of her Majesty as a soldier, sailor, or marine ;

"8th. Where any able-bodied person, not being a soldier, sailor, or marine, shall not reside within the Union, but the wife, child, or children of such person shall reside within the same, the Board of

Guardians of the Union according to their discretion may afford relief in the workhouse to such wife, child, or children, or may allow out-door relief for any such child or children, being within the age of nurture, and resident with the mother within the same."

The importance to the poor of these eight exceptions, and the liberal interpretation some of them receive, are well brought out in an answer of Mr. Farnall, when under examination by the Commons Committee of 1861.

"3052. Will you shortly state what the Prohibitory Order is?—The Prohibitory Order, which has been issued to a great number of parishes and Unions in England, obliges the guardians to relieve indoors every able-bodied person; but then there are many exceptions even to that rule; for instance, if a man has a sick child, he is no longer considered to be able-bodied himself, and the relief would be given out of doors; the Prohibitory Order, in fact, obliges the guardians to relieve in the workhouse men who are perfectly able to work, and perfectly well in mind and body, and whose wives and children, if they have any, are equally well with themselves." If to these remarks of Mr. Farnall we add the observations naturally suggested by the exceptions relating to widows, to the families of soldiers and sailors, and to those of prisoners, and to wives deserted by their husbands, we shall conclude that this Order, though far inferior in liberality to that of 1852, is yet not unduly harsh or wanting in consideration to the poor.

Turning now to the case of Ireland, we shall find that the Poor Law under which we live is different from both the systems which are in force in England, and is less liberal than either of them.

The broadest contrast between the English and Irish laws consists in this, that in Ireland the conditions and nature of the relief to be afforded are prescribed not, as in England, by general orders of the Poor Law Commissioners, but by Acts of Parliament. This produces, instead of the elasticity which is so much and so justly praised in the English system,* a degree of rigidity which makes it far inferior in adaptability to special temporary or local exigencies. If a great agricultural crisis should occur in England from the universal failure of a staple crop, or from any other cause now unforeseen, the Poor Law Board could at once extend the order of 1852 to the whole of the country. But no such change could be made by the Commissioners in Ireland; the main restrictions being statutable, the intervention of Parliament would be necessary for any relaxation of them.

Even independently of the powers possessed by the English Poor Law Board of issuing new orders or revoking or modifying old ones, the system established by their Order of 1852 is in a very high

* "The advantage," to quote the words of Sir George Nicholls, [History of the English Poor Law, vol. ii., p. 457], "of having a flexible power of this nature lodged with the Commissioners and ready for use as occasions arise, is sufficiently obvious. Without it, the administration of relief under the varying circumstances of the times could not be well and efficiently conducted, but would be apt to occasion undue hardship and suffering to the poor, or to become lax, indiscriminating, and burthensome to the rate-payer."

degree elastic. It fully sufficed to meet the crisis at Coventry produced by the treaty of commerce with France; and it has proved equal to the emergency in Lancashire arising from the stoppage in the supplies of cotton. But in Ireland we not only do not live under this system of Poor Law, but our Commissioners, even if they thought it expedient, and desired it ever so much, could not bring similar provisions into operation here. Let me suppose a case which will illustrate the inferiority of our position as compared with those English districts which are governed by the Order of 1852. Our most important manufacture is that of linen. A considerable part of the population of Ulster is occupied in it, and efforts are even now being made to extend it to other provinces. We import a large part of the raw material from foreign countries, particularly from Russia and Prussia. Suppose that by some European complication we were engaged in hostilities with these two countries—a supposition which, in the present state of foreign politics, is surely not an extravagant one—our supplies of flax would thus be in a great measure cut off, and the operatives of Antrim and Armagh thrown out of employment. In fact, the linen trade of Ulster might be as completely paralysed as the cotton trade of Lancashire. Now, under such circumstances, we should not have anything like the same facilities for dealing with the crisis as the English manufacturers possess under the Order of 1852. The Poor Law Commissioners could not reassure the sinking courage of the employers of labour in our northern counties with the same words which Mr. Villiers addressed to the Lancashire deputation. They could not say, “Gentlemen, no stringent rules fetter your action; you have full power to give indoor or outdoor relief at your discretion; applicants need not sell their furniture or break up their homes; the only condition imposed on you is to require from the able-bodied men labour in return for the relief they obtain.” But more than this. The Commissioners, if they wished, could not confer on the guardians ampler powers. Queen, Lords, and Commons must be set in motion to do it. If the difficulty occurred, as it would be most likely to occur, in the autumn; if it was then found that the new crops from Russia and Prussia could not be brought to our shores, and the consequent distress set in as the winter approached; parliament would actually have to be called together, before outdoor relief could be administered in the same manner and on the same conditions as it is now daily given in Lancashire without the necessity of any such cumbrous and dilatory proceedings.

If we are to discover in England any parallel to the Irish Poor Law, it must be in the Order of 1844. But when we come to compare it even with this, we find that, though our system has a much closer resemblance to it than to the state of things established by the Order of 1852, the Irish law is yet inferior to the less liberal of the English codes in many and important particulars.

Let me first explain the provisions of the Irish Poor Law now in force.

By the Irish Poor Relief Act of 1838 (1 & 2 Vic. c. 56), it was enacted (sect. 41) that when the Commissioners created by the Act

should have declared any workhouse of any Union to be fit for the reception of destitute poor, and not before, it should be lawful for the guardians at their discretion, but subject in all cases to the orders of the Commissioners, to take order for relieving and setting to work therein, in the first place, such destitute poor persons as by reason of old age, infirmity, or defect may be unable to support themselves, and destitute children ; and in the next place such other persons as the said guardians should deem to be destitute poor, and unable to support themselves by their own industry or by other lawful means.

The only kind of relief authorized by this Act was that given within the workhouse, and no other was permitted by law until the enactment of 10 & 11 Vic. c. 31 (1847), commonly known as the Irish Poor Relief Extension Act. The first and second sections of this Act contain the provisions relating to the conditions of relief.

The first enacts that "the Guardians of the poor of every Union in Ireland shall make provision for the due relief of all such destitute poor persons as are permanently disabled from labour by reason of old age, infirmity, or bodily or mental defect—and of such destitute poor persons as, being disabled from labour by reason of severe sickness or serious accident, are thereby deprived of the means of earning a subsistence for themselves and their families whom they are liable by law to maintain—and of destitute poor widows having two or more legitimate children dependent upon them ; and it shall be lawful for the said guardians to relieve such poor persons, being destitute as aforesaid, either in the workhouse or out of the workhouse, as to them shall appear fitting and expedient in each individual case ; and the said Guardians shall take order for relieving and setting to work in the workhouse of the Union, at all times when there shall be sufficient room in the workhouse of the Union to enable them so to do, such other persons as the said Guardians shall deem to be destitute poor and unable to support themselves by their own industry or by other lawful means."

In the second section the circumstances are described under which the Irish Commissioners are permitted to authorize outdoor relief to other classes than those named in the first section.

"And be it enacted that, if at any time it shall be shown to the satisfaction of the Poor Law Commissioners, that, by reason of the want of room in the workhouse of any Union, or in such additional workhouse or workhouses as may have been or may be provided for the reception and maintenance of the poor of such Union, adequate relief cannot be afforded therein to destitute poor persons not being persons permanently disabled, or destitute poor persons disabled by sickness or accident as aforesaid, or such destitute poor widows as aforesaid—or that the workhouse or workhouses of any Union, as the case may be, by reason of fever or infectious disease, is or are unfit for the reception of poor persons—it shall be lawful for the said Commissioners from time to time, by order under their seal, to authorize and empower the Guardians of such Union to administer relief out of the workhouse to such destitute poor persons for any time not exceeding two calendar months from the date of such order—and at any time after the making of such order to revoke

the same by an order under their seal for that purpose ; and on the receipt by the Guardians of any Union of any such order authorizing relief out of the workhouse as aforesaid, they shall make provision for the relief of the destitute poor persons of the said Union accordingly, for such time as shall be specified in the said order, or until the said order shall be revoked : provided always that all relief given out of the workhouse to able-bodied persons under the authority of any such order shall be given in food only, save as hereinafter provided in any case of sudden and urgent necessity." [This saving clause has reference to the powers here, as in England, given to relieving officers of affording relief in pressing cases until the next succeeding meeting of the Board of Guardians.]

The conditions of relief in Ireland are at present in the main fixed by these two sections. Now if we compare the provisions thus enacted with even those regulations which prevail in the less favoured English districts governed by the Order of 1844, we shall find the following differences to exist :—

1. In England the Guardians can grant outdoor relief to able-bodied persons in any case of sudden and urgent necessity. [This power is additional to that given in both countries to the relieving officer.]

In Ireland the only case of this kind provided for is that of persons evicted from their dwellings, to whom, by 11 & 12 Vic. c. 47, (1848), the Guardians can give outdoor relief for a period not exceeding one month.

2. In England the Guardians can grant outdoor relief to able-bodied persons in case of any sickness, accident, or bodily or mental infirmity affecting either themselves or any of their family.

In Ireland the Guardians are not permitted to grant it (supposing the workhouse not full or infected) except in case of the head of the family himself being disabled by severe sickness or serious accident.*

3. In England an able-bodied person may obtain outdoor relief for the purpose of defraying, wholly or partially, the expenses of the burial of any member of his family.

In Ireland no such power exists.

4. To all widows the Guardians may in England grant outdoor relief during the first six months of their widowhood.

In Ireland the Guardians cannot do so.

5. In England outdoor relief may be granted at any time to a widow having one legitimate child depending on her.

In Ireland the Guardians cannot grant it to a widow, unless she have at least two legitimate children depending on her.

6. In England outdoor relief may be granted to the family of any person confined in a gaol or other place of safe custody (which latter phrase will include lunatics).

In Ireland there is no such power.

* The epithets "severe" and "serious" are not without significance in the present comparison. In the English Order the words used are simply "sickness" and "accident."

7. In England outdoor relief may be granted to the wife and children of any soldier, sailor, or marine in Her Majesty's service.

In Ireland (which furnishes no small proportion of such servants of the crown) such relief cannot be given.

8. In England outdoor relief may be allowed for the children of non-resident persons, when those children reside with their mothers within the union; and thus provision is made for families deserted by their natural heads.

In Ireland the Guardians have no such power.

Thus, the detailed comparison which I have instituted establishes beyond doubt or cavil this important conclusion, that the inhabitants of Ireland are governed by a system of Poor Law which is marked by broad and substantial differences from either of the two systems in force in England. It will be observed, also, that all the differences I have mentioned are to the disadvantage of the Irish as compared with the English poor.

There is a further general difference between the English and Irish Poor Laws, in relation to the legal right of destitute persons to relief out of the rates. The existence of the right in England I need not take pains to establish; it is admitted by every one. But it is sometimes alleged that the same right exists in Ireland. Such a statement I believe to be incorrect. It cannot be maintained, and indeed, I think, is never asserted that the Irish Poor Law Act of 1838 created the right. It was certainly not intended by its framers that it should have that effect. Sir George (then Mr.) Nicholls says distinctly in his First Report (dated 22nd August, 1836):—"I do not propose to impart a right to relief, even to the destitute." And he quotes in his History of the Irish Poor Law (p. 221) the following note entered in his Journal after the third reading of the Bill:—"The bill is now clear of the Lords, altered and in some respects improved, although the localization of the charge upon the Electoral divisions approximates too nearly to settlement to be quite satisfactory. I wish this had been left as it first stood; but so long as *no right to relief*, and no power of removal, are given, we shall, I trust, be able to avoid the infliction of actual settlement."

But, it may be said, a right to relief was established by the Irish Extension Act (10 & 11 Vic. c. 31). So far as relates to the classes named in the first section of that act, viz. 1. persons disabled by old age or infirmity; 2. persons disabled by sickness or serious accident, and 3. widows having two or more legitimate children dependent on them, such a right does seem to be conferred by this Act. "The guardians," it is enacted, "shall make provision for the due relief of *all such destitute poor persons*." But, with respect to the other classes of the destitute, it is remarkable that different words are used:—"The guardians shall take order for relieving such other persons as they *shall deem to be* destitute poor." Why the change in the form of words, if no change in their effect was intended? Such a change was, I believe, intended, and is produced, by the alteration of the

words. With respect to persons not aged, infirm, or widows, the opinion of the guardians is made the ultimate legal criterion of destitution. The guardians are bound to examine into the case of any applicant, and if they refuse to hear it, a mandamus would issue to compel them to do so. But it would be a complete bar to legal proceedings against them, if they could reply that they had heard the case, and did not deem the applicant to be destitute. Whereas, under the English law, where this form of words is nowhere used, they would have to plead not merely that they had heard and judged the case, but that the person who had applied for relief was not, in point of fact, in such circumstances as would entitle him to relief.

That this is the legal effect of the words cannot of course be ascertained beyond doubt, otherwise than by a judicial decision as to their meaning. But, in the absence of such a decision, I may be permitted to refer to some remarks which were made in Parliament during the debate on the Act we are considering, which show that it was not then understood as conferring a right to relief on all classes of the destitute.

On the 26th January, 1847, Mr. Poulett Scrope, member for Stroud, said, "he wished to know distinctly whether any security would be introduced into the Bill that the relief might in all cases be effectually afforded? . . . Was a right of relief to be introduced in any practical way?" Earl (then Lord John) Russell, who had charge of the Bill, replied that, "according to the provisions of the Bill introduced last night, those paupers who were unable to work, from age, from permanent infirmity, or bodily defect, would be entitled to relief from Boards of Guardians. For other classes of paupers provision was made for particular cases."

On the 1st. March, 1847, Mr. Poulett Scrope said, "there was one alteration which he thought of very material importance, viz. that there should be a right of relief, in some shape or other, in the workhouse or out of it; so that in Ireland, as in England, no one should be allowed to starve." On the 19th of the same month Mr. Wakley, member for Finsbury, said "they were giving to the Irish poor at present a right to relief in another country which they were not to have in their own; which, in his opinion, was a departure from the highest principles of justice and humanity, and alike unworthy of, and disgraceful to, a British Legislature."

These observations show very plainly what was at the time believed to be the effect of the Act. Upon the whole, the weight of evidence seems to me decidedly to preponderate in favour of the opinion that the general right to relief possessed by the destitute in England does not exist in this country.

I have as yet spoken only of such differences between the English and Irish Poor Laws as are of a broad and prominent kind, having relation to large classes and not to special or exceptional cases. But when we come to examine the latter, we find a great mass of these minor differences, in which the superiority, as it regards humanity and liberality, is almost always on the side of the English system.

Thus, it is provided by the 27th section of the English Poor Law

Amendment Act, that "it shall be lawful for any two justices of the peace, at their just and proper discretion, to direct by order under their hands and seals that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such persons shall reside in any workhouse; provided always that one of such justices shall certify in such order, of his own knowledge, that such person is wholly unable to work." This power, it is to be observed, is distinct from, and additional to, the powers of the Guardians for granting relief. No such power is vested in magistrates in Ireland: the decision whether outdoor relief shall be given to any aged and infirm person belongs altogether to the Guardians, and from their judgment in the matter there is no appeal.

Again, it is humanely enacted by 7 & 8 Vict. c. 101, s. 25, that "so long as it may appear that the husband of any woman is beyond the seas, or in custody of the law, or in confinement in a licensed house or asylum as a lunatic or idiot, all relief given to such woman, or to her child or children, shall, notwithstanding her coverture, be given to such woman in the same manner and subject to the same conditions as if she was a widow." By this enactment, which overrules any order of the Poor Law Board, guardians are enabled to grant out-door relief to such women in the same cases as they could give it to widows. No such provision exists in Ireland; and guardians are not permitted to extend to women in the circumstances above mentioned the privilege accorded to them by the English law.

Thirdly, it is provided by 10 & 11 Vict. c. 109, sec. 23, that "when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse, such two persons shall not be compelled to live separate and apart in such workhouse." The Consolidated Order of the Poor Law Board accordingly directs "that the guardians shall set apart, for the exclusive use of every such couple, a sleeping apartment separate from that of the other paupers." No such provision as the above exists in the Irish law; and the rules respecting the classification of the inmates of Irish workhouses make no arrangement to prevent the separation of aged married persons.

The fourth special difference which I shall mention has relation to what is called the Quarter Acre Clause. It was enacted by the Irish Poor Relief Extension Act, sect. 10, that "no person who should be in the occupation of any land of greater extent than the quarter of a statute acre should be deemed and taken to be a destitute poor person . . . and that, if any person so occupying more than the quarter of a statute acre should apply for relief, or if any person on his behalf should apply for relief, it should not be lawful for any board of guardians to grant such relief, within or without the workhouse, to such person." This clause was ere long condemned by public opinion, and it became necessary to repeal it. Accordingly, in introducing the Poor Relief (Ireland) Bill of 1862, Sir Robert Peel said:—"The first and most important clause in the Bill proposed the repeal of the Quarter Acre Clause. In neither England

nor Scotland did any similar restriction exist." And the Duke of Newcastle, in moving the second reading of the same Bill in the House of Lords, "apprehended their Lordships would agree with him that the clause ought to be repealed, and the law in that respect placed on the same footing as it now stood in England and Scotland." But an Irish peer, I regret to say, interfered to prevent the assimilation. The Earl of Donoughmore proposed an amendment that though the holder of more than a quarter acre might be relieved in the workhouse, he should be incapable of obtaining out-door relief. This amendment was incorporated in the Bill; and the consequence is that the law respecting this class of persons in Ireland has not yet been placed on the same footing on which it stands in the sister country.

The fifth and sixth special differences which I shall mention were brought under our notice in this Society since my address was delivered. At the last meeting two of our members, without any reference to the comparison I have been instituting between the English and Irish Poor Laws, advocated, the one the removal of young girls from workhouses to training schools, the other the removal of imbecile and idiotic persons from workhouses to institutions in which they could be properly tended, and the feeble germs of intelligence within them be, as far as possible, developed. Strange to say, it appeared—though the writers were, I believe, unaware of the fact—that the English law made provision for both of these cases, while in the Irish law both were overlooked. The 25 & 26 Vict. (1862) c. 43, after stating in its preamble that it is expedient that facilities should be given to Guardians of the poor to provide education and maintenance for poor children in certain cases where they are not empowered to do so by the laws now in force," goes on to enact (sect. 1) that "the guardians of any parish or Union may send any poor child to any school certified as hereinafter mentioned, and supported wholly or partially by voluntary subscriptions, the managers of which shall be willing to receive such child; and may pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein, during the time such child shall remain at such school (not exceeding the total sum which would have been charged for the maintenance of such child, if relieved in the workhouse during the same period), &c."

And in the 10th section it is provided that the word "school" shall extend to any institution established for the instruction of blind, deaf, dumb, lame, deformed, or idiotic persons.

But the 11th section, unhappily, runs as follows:—"This Act shall not extend to Scotland or Ireland;" and thus the benefits conferred on our English fellow-subjects by this enlightened enactment are withheld from us.

Two years ago we were in advance of England with respect to legislation on behalf of the unhappy classes enumerated in the 10th section. For by the 6 & 7 Vic. (1843), c. 92, Guardians had been empowered to send destitute poor deaf and dumb or blind children, under the age of eighteen, to any institution for their maintenance

which might be approved of by the Commissioners, and might pay the expenses of such maintenance out of the rates. When this Act was passed, the powers it bestowed on Irish guardians did not exist in England; but we have again been outstripped in the race of improvement by the more comprehensive provisions of the Act of 1862, which, as we have seen, does not extend to Ireland.

I am glad to be able to state that there is one piece of legislation which places us still somewhat in advance of England. I mean the provision in the Act of 1862, enabling Irish Guardians to send orphan or deserted children out of the workhouse to be reared in families in the country. No such provision appears to exist in England, the system of district schools having there been adopted instead. But here again the rigid genius of the Irish Poor Law has intervened, and has restricted the age up to which this can be done to five years, except when the Guardians shall think it necessary, after inquiry, to keep the child out of the workhouse for its health's sake. A yearly examination of the state of the child's health must in this case take place, and the out-maintenance of the child cannot under any circumstances be continued beyond the age of eight years. These restrictions defeat the principal objects which the advocates of this mode of rearing the children had in view in proposing it.

The waste of social power produced by the system of separate legislation for the different portions of the United Kingdom is well illustrated by the Act respecting certified institutions of which I spoke just now. A valuable reform is, by the influence of Miss Twining and others, pressed on the attention of our legislators, and they are induced to provide the legal sanction necessary for its practical working in England. But Ireland and Scotland are excluded from the operation of the Act, and accordingly, when the same social needs arise in those countries, as they inevitably must in states of society so closely resembling that of England, the whole operation of inquiry, argument, solicitation, legislation must be gone through over again in both, before the same facilities can be obtained for introducing changes admittedly beneficial to the public. Such a mode of proceeding is too clearly opposed to the spirit of our time to be much longer tolerated.

The best safeguard for a poorer and less cultivated community, bound by a legislative union to a richer and more advanced one, lies in identity of legislation as far as possible for both. When that is the practice, the stronger nation, in taking care of itself, takes care of its weaker partner. Every improvement which a powerful and enlightened public opinion effects in the one becomes, without separate effort, the property of the other. If this rule be carried out with relation to England and Ireland, the latter will be continually gaining the benefit of the larger experience and riper reflection of the former; and the union will be productive of real and undeniable blessings.

This principle of identical legislation might doubtless be carried to unreasonable lengths. All practical rules,—as the common sense of mankind has recognised—admit of exceptions. In some cases the

particular historical antecedents or social condition of Ireland may recommend, or even necessitate, special legislation adapted to her circumstances. But identity ought to be the rule; and in every instance the onus of proving the necessity or advantage of diversity should be thrown on those who seek to introduce or maintain it.

The regulations of a poor law ought to be founded either on the facts of individual human nature, or on the relations and mutual duties of the members of a human family. Those facts are the same in Ireland as in England; these relations are alike sacred on both sides of the channel. Whether aged couples should be separated in a workhouse—whether widows with one child, or widows with two, ought to have outdoor relief—whether deserted wives should be placed in the same position as widows—whether the wives of soldiers and sailors in Her Majesty's service are entitled to any special consideration—whether the occupation of a quarter acre of land should exclude from outdoor relief—these are questions which, if decided by reason, and not either by prejudice or by haphazard, must, I think, be answered alike, whether proposed in the one country or in the other.

What is now, above all things, to be desired with respect to the Poor Laws, is that the same discretionary powers vested in the English Poor Law Board should be confided to the Irish Commissioners. Whatever may be our opinions as to the extent to which outdoor relief ought now to be given in Ireland, the same power of authorizing it, whenever and wherever circumstances may require it, ought to belong to the central authorities in both countries. The joint action of the Poor Law Board and the Guardians of each Union is in England almost absolutely unrestricted; I do not see why in Ireland it should be hampered and fettered as it is. Our Poor Law authorities ought, like those in England, to be armed with all the power necessary for dealing in the most complete and satisfactory manner with industrial crises; and for preventing and mitigating, as effectually as in England, the unmerited sufferings of the working classes arising from circumstances beyond their control. That temporary or local pressure produced by irresistible physical or social causes acting on a great scale can be effectually met by human intervention is one of the best results of modern civilization; and this advantage ought, in my opinion, to be enjoyed by Ireland in no less ample a measure than by the sister country.

NOTE referred to in page 21.

UNIONS to which the order of 1852 was issued :—

Anglesey	17,840	King's Lynn	16,701
Ashton-under-Lyne	134,753	Kingston-upon-Hull	56,888
Barnsley	45,797	Lampeter	9,994
Barton-upon-Irwell	39,038	Lancaster	24,004
Bierley, North	85,775	Leicester	68,190
Blackburn	119,942	Leigh	37,700
Bolton	130,269	Lewisham	65,757
Boughton, Great	18,800	Machynlleth	12,395
Bradford (in the West Riding of Yorkshire)... ..	106,218	Merthyr Tydvil	107,105
Brentford	50,516	Mutford and Lothingland	24,050
Bulth	8,305	Newcastle-upon-Tyne	110,968
Burnley	75,595	Northallerton	12,174
Bury	101,135	Nottingham	74,693
Carlisle	44,780	Norwich	74,329
Chichester	8,687	Oldham	111,276
City of London	45,555	Pately Bridge	9,534
Chorley	41,678	Penistone	14,419
Chorlton	169,579	Poplar	79,196
Clitheroe	20,476	Prescot	73,127
Conway	13,896	Presteigne	3,741
Coventry	41,647	Preston	110,523
Dewsbury	92,883	Prestwich	58,578
Dolgelly	12,482	Radford	30,479
Dulverton	6,051	Rhayader	6,316
East London	40,687	Stepney	56,572
Ecclesall Bierlow	63,618	Stockport	94,335
Edmonton	59,312	Strand	42,898
Fulham	40,058	Sunderland	90,704
Fylde, The	25,682	Todmorden	31,113
Garstang	12,425	Tregaron	10,737
Gateshead	59,409	Ulverstone	35,738
Greenwich	127,670	Wakefield	53,126
Hackney	83,295	Wandsworth and Clapham	70,403
Halifax	128,673	Warrington	43,875
Haslingden	69,781	West Derby	156,561
Hemsworth	7,793	West London	26,997
Hendon	19,220	Whitechapel	78,970
Holborn	44,299	Wigan	94,561
Huddersfield	131,336	Wight, Isle of	55,362
Keighley	43,122	Wortley	24,092
Kendal	37,463		
		Total,	4,583,721

PARISHES to which the order of 1852 was issued :—

Leeds	117,566	St. Mary Abbots, Ken- sington	70,108
Liverpool	269,742	St. Mary, Lambeth	162,044
Manchester	185,410	St. Mary Magdalen, Ber- mondsey	58,355
Paddington	75,784	St. Mary, Rotherhithe	24,502
St. George in the East	48,891	St. Matthew, Bethnal Green	105,101
St. George the Martyr, Southwark	55,510		
St. Giles, Camberwell	71,488		
St. John, Hampstead	19,106		
St. Luke, Chelsea	63,439		
St. Martin in the Fields	22,689		
		Total,	1,349,735

Additional PARISHES to which the Order of 1844 has never been issued :—

Clerkenwell	65,681	St. Margaret and St. John,	
St. George, Hanover Sq.	87,771	Westminster	68,213
St. Giles and St. George,		St. Pancras	198,788
Bloomsbury	54,076	St. Mary, Newington ...	82,220
St. Mary, Islington ...	155,341	Shoreditch	129,364
St. James, Westminster	35,326		
St. Luke, Middlesex ...	57,073		
St. Marylebone	161,680	Total,	1,095,533

Aggregate Total, 7,028,989

